



Interview Summary: National Security and Intelligence Advisor Panel

Background

The National Security and Intelligence Advisor (**NSIA**) provides policy advice and intelligence briefings on the topic of national security to the Prime Minister. The office of the NSIA also fulfills a challenge and coordination function amongst federal agencies with intelligence functions and liaises with senior federal officials to collate national security information and advice to Cabinet. The NSIA does not have a directing power amongst federal agencies or Deputy Ministers. It is housed within the Privy Council Office (**PCO**).

The NSIA and two senior officials from her office were interviewed by Shantona Chaudhury, Gordon Cameron, Yves Côté and Nusra Khan on August 30, 2022. Questions relating to this summary should be directed to Ms. Khan.

This summary should be read in conjunction with the Institutional Report prepared by the PCO. This preamble and text contained in square brackets are explanatory notes provided by Commission Counsel to assist the reader. Not all documents referred to in the footnotes were discussed with the panel during the interview. Some are referred to for illustrative purposes and to assist the reader.

Jody Thomas is the National Security and Intelligence Advisor to the Prime Minister. She started in that role on January 11, 2022. NSIA Thomas served as the Deputy Minister for National Defence prior to her appointment. The NSIA assesses intelligence, advises the Prime Minister on national and international threats to the security of Canada, and coordinates the flow of intelligence from federal agencies to Cabinet. She gives policy advice to the Prime Minister and Privy Council when required. She also provides intelligence briefings and speaks with the Prime Minister about current events in the national security realm. Intelligence briefings to the Prime Minister can take the form of formal written briefs or informal updates by text or in person and are typically relayed to responsible officials in the Prime Minister's Office (**PMO**). The NSIA oversees four secretariats within PCO: Emergency Preparedness and COVID-Recovery Secretariat (**EP**), Security and Intelligence Secretariat (**S&I**), Intelligence Assessment Secretariat (**IAS**), and Foreign and Defence Policy Secretariat. The NSIA reports directly to the Clerk of the Privy Council and provides information and advice directly to the Prime Minister.

Michael MacDonald is the Assistant Secretary to the Cabinet, Security and Intelligence (**ASC MacDonald**). He provides strategic and policy advice to Cabinet on all government business relating to national security. ASC MacDonald chairs an Assistant Deputy



Minister level working group that coordinates incident and emergency responses across all federal departments. ASC MacDonald reports directly to the NSIA.

Martin Green is the Assistant Secretary to the Cabinet, Intelligence Assessment Services (**ASC Green**). ASC Green reports to the NSIA on matters primarily relating to foreign intelligence, and through the NSIA, provides daily intelligence assessments to the Prime Minister. Neither the IAS nor the NSIA engage in intelligence collection. Intelligence assessments prepared by the IAS draw from intelligence collected by the Canadian Security Intelligence Service (**CSIS**), the Communications Security Establishment (**CSE**), the Integrated Terrorism Assessment Centre (**ITAC**), Global Affairs Canada (**GAC**) and foreign intelligence partners, as well as open source material, and remain policy-neutral. On a daily basis, if ITAC does an assessment that is relevant to the Prime Minister's day-to-day business, IAS will include it in their briefings.

Other senior PCO officials were separately interviewed by the Commission. For greater clarity, this summary should be read in conjunction with the interview summaries of the PCO Emergency Preparedness Panel, and the Clerk and Deputy Clerk Panel.

Early Responses to the Convoy

NSIA Thomas explained that, in the first week of the protests in Ottawa, she and her staff convened many meetings in an effort to develop a federal response. They were generally responsible for ensuring that information was relayed across all forums, and ultimately to Cabinet, in a timely and efficient manner. [PCO leveraged various pre-existing standing committees for information sharing and policy discussion during the protests. Additional forums such as the Incident Response Group (**IRG**) were convened specifically for the purpose of coordinating Cabinet's response to the protests, and later, for the management of the *Emergencies Act*. The IRG serves as a dedicated forum in the event of a national crisis or during incidents elsewhere that have major implications for Canada. It is responsible for coordinating a prompt federal response to an incident, and making fast, effective decisions. IRG is chaired by the Prime Minister and has no fixed membership: as a working group of Ministers, membership may consist of relevant Ministers and senior government leadership, as needed, based on the nature of the incident.]

Assistant Deputy Ministers, National Security Operations Committee

The Assistant Deputy Ministers, National Security Operations Committee (**ADM NS Ops**) is an information and intelligence-sharing forum that meets every week. Assistant Deputy



Ministers (**ADMs**) from all relevant departments and agencies participate. The ADM NS Ops is usually chaired by Dominic Rochon, the Senior Assistant Deputy Minister, Public Safety, National & Cyber Security, or the Assistant Secretary to the Cabinet, Security and Intelligence.

ASC MacDonald explained that the ADM NS Ops met daily during the course of the protests. [Special meetings of the ADM NS Ops took place every day between January 26 and February 12, and on February 16, 17, after which ADM NS Ops resumed its weekly schedule.¹] At these meetings, ADMs from Public Safety, Transport and representatives from CSIS, CSE, CBSA, ITAC and the RCMP would share intelligence and situational updates and develop policy proposals for emerging threats. ASC MacDonald recalled that one example of the information exchanged consisted of daily reports from CBSA of the size, location and economic impact of blockades at various ports of entry. Other important functions of the ADM NS Ops were to implement the policy proposals flowing from the Deputy Ministers Operations Committee (**DMOC**) meetings (see below), and to prepare ADMs for meetings with senior level officials at their respective organizations.

ASC MacDonald's primary role during the protests was to convene and chair the special daily meetings of the ADM NS Ops. As the Chair, ASC MacDonald consolidated the information and proposals developed by ADMs and shared them with the DMOC.

Deputy Ministers' Operations Committee

DMOC is a standing committee that is chaired by the NSIA. Like ADM NS Ops, *ad hoc* meetings of DMOC were convened in an effort to coordinate the federal response to the protests. Relevant Deputy Ministers and the heads of federal agencies including CSIS, CBSA and the RCMP attend weekly DMOC meetings. The Clerk and Deputy Clerk also attend as required.

NSIA Thomas convened *ad hoc* meetings of DMOC every two or three days during the course of the protests. [DMOC met on January 31, February 1, 2, 3, 11, 13, 14, and daily between February 16 and 22.²] She noted that standing weekly meetings of DMOC, which focused on other government business such as the war in Ukraine, continued alongside the *ad hoc* meetings.

¹ SSM.CAN.00000148_REL

² SSM.CAN.00000148_REL



It was at the January 27, 2022, DMOC meeting that the NSIA first learned of the Freedom Convoy. [This was a regularly scheduled DMOC meeting]. NSIA Thomas noted that at the time, government officials viewed the Convoy as a large, but not atypical, protest scheduled to occur in downtown Ottawa. She noted her expectation at the time was that the protest would be managed by the City of Ottawa and the Ottawa Police Service (**OPS**).

Daily Ministerial Briefings

NSIA Thomas recalled that Deputy Secretary to the Cabinet, Emergency Preparedness and COVID Recovery (**DSC Bogden**) chaired briefings that typically included the Ministers of Transport, Public Safety, Emergency Preparedness, Intergovernmental Affairs daily between January 27 and February 18. The Minister of Justice and the President of the Treasury Board participated at times.

The purpose of these meetings was to brief the Ministers on the highlights of the formal and informal discussions relating to their core accountabilities that had taken place overnight, to share information, and to prepare them for the day's activities in respect of the protests.

Briefings to the Prime Minister

NSIA Thomas attended all of the Prime Minister's pre-briefings for the meetings of Cabinet and the Incident Response Group (**IRG**) relating to the protests. The purpose of these pre-briefings was to prepare the Prime Minister to chair the IRG meetings. This included suggesting specific areas of departmental operations and policy on which the Prime Minister could challenge his Ministers. NSIA Thomas explained that the Prime Minister is provided with an annotated agenda and "pre-briefed" by his staff in the PMO, or by senior officials in PCO, in advance of every Cabinet meeting.

NSIA Thomas also provided informal oral briefings to Ministers as well as the Prime Minister throughout the course of the protests.

Cabinet Committees

In the early days of the protests, the Cabinet Committee on Safety, Security and Emergencies (**SSE**) served as the primary forum for information sharing with Ministers in relation to the protests. [The President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness, Bill Blair, chairs the Committee. SSE met on February 3, 6, and 8, 2022.] NSIA Thomas attended each of these meetings. She recalled that SSE was a forum for Ministerial level discussions about the protests and the appropriate responses to be considered by the relevant Ministers.



The Incident Response Group

The first IRG meeting relating to the Convoy was convened by the Prime Minister on February 10, 2022. [The IRG met on February 10, 12, 13, and daily between February 16 and 23. The IRG is chaired by the Prime Minister and has no fixed membership: as a working group of Ministers, membership may consist of relevant Ministers and senior government leadership, as needed, based on the nature of the incident.]

NSIA Thomas and ASC Green explained that their role at IRG meetings was to provide a full and frank factual threat picture to the IRG. Though NSIA Thomas often provided her assessment of a situation following an intelligence briefing, she took great care to ensure that no information or reporting was withheld from the IRG participants, and that all relevant options were relayed to Ministers.

Cabinet Meetings

There were two full Cabinet Meetings at which the protests and the use of emergency legislation were discussed. These meetings occurred on February 13 and 15, 2022.

NSIA Thomas explained that she provided an oral briefing at the Cabinet meeting on February 13, wherein she provided a full picture of the factual situation, the activities of law enforcement, and the current intelligence in respect of the protests across the country.³

She clarified that she did not provide advice at this or any other briefing to Cabinet, nor did she prepare any formal memoranda to Cabinet.

Intelligence Collection & Sharing

Intelligence from Federal Agencies

The panel explained that the PCO does not collect its own intelligence but assesses intelligence gathered by other federal agencies. ASC MacDonald described PCO as a “consumer” of intelligence from other agencies with information about the protests. For instance, Canada Border Services Agency (**CBSA**) and Immigration, Refugees and Citizenship Canada (**IRCC**) provided intelligence relating to the movement of people and goods across ports of entry; Transport provided information about real and anticipated

³ See, SSM.NSC.CAN.00000216_REL



blockades on highways, rail, and airports; information was relayed by the Parliamentary Protective Service (**PPS**) about threats made against elected officials; and the Department of National Defence (**DND**) advised of threats to uniformed personnel.

Each of these agencies has an in-house open-source intelligence collection unit, and shared open source intelligence at the ADM NS Ops and DMOC meetings. [Open-source intelligence refers to data gathered from publicly available sources.]

NSIA Thomas noted that there are limits to the intelligence PCO obtains from the RCMP and CSIS. The RCMP does not share much of the information it possesses for reasons of police independence. CSIS investigates threats in accordance with its mandate and legal framework of the CSIS Act. For any investigative methods that are more than minimally intrusive, CSIS must apply for a warrant to the Federal Court and must have reasonable grounds to believe there are threats to the security of Canada.

Most of the intelligence pertaining to the protests came from ITAC and relied on open-source social media intelligence.

As such, the majority of intelligence PCO received pertaining to the protests came from open-source intelligence and information. PCO received intelligence from ITAC, which came from open-source intelligence as well as intelligence obtained from law enforcement agencies such as the Ontario Provincial Police (**OPP**) and the OPS.

The Social Media Intelligence Gap

The panel identified an intelligence gap in the monitoring of social media by federal agencies. In their view, this gap arose because no federal agency possessed the tools necessary for effective social media monitoring or the legal authorities to collect domestic intelligence. This intelligence gap and possible measures to remedy it were discussed at many meetings including at the IRG. [The IRG Minutes include a document titled the “IRG Tracker,” which sets out federal policy priorities during the protests. One such item is remedying the “intelligence gap” identified by the NSIA.⁴]

ASC Green explained that assessing social media information relating to the convoy was a challenge and beyond the NSIA’s operational capabilities. This task required sophisticated tools they did not have, such as high-end algorithms capable of sifting through large amounts of social media content generated by anonymous users, or tools to decrypt social media platforms such as WhatsApp or Telegram. In his view, the use of

⁴ See for example, SSM.CAN.00000214_REL



these platforms was likely the result of some of the protest organizers' prior experience in law enforcement and intelligence.

ASC MacDonald explained that the Democratic Institutions unit within PCO works with private social media companies to remove online hate speech and violent rhetoric against public officials. [The Democratic Institutions Unit falls under the Governance Secretariat at PCO.] However, this program has no mandate relating to foreign or domestic intelligence. ASC MacDonald had one meeting with social media platforms to brainstorm methods for proactive enforcement of their hate speech norms in the face of increased online violent rhetoric but found this approach to be ineffective.

NSIA Thomas added that, in the context of respecting free speech, distinguishing credible threats of violence against the Prime Minister and elected officials from meaningless posts online was an overwhelming problem faced by her office during the protests. She gave the examples of multiple online posts calling for "slow roll" protests at the Ottawa airport, and, graphic threats of violence against the Prime Minister and his family. Neither PCO nor the implicated federal agencies [such as Transport and CBSA] were fully equipped to determine whether these posts were credible or what the appropriate response would be.

The NSIA contrasted the inability to assess threats on social media with the ability of federal agencies to assess other domestic and foreign threats under existing legislation. In her view, social media monitoring poses an ongoing problem for Canada as well as its international partners, and its resolution requires the creation of a new intelligence paradigm.

[The Law Enforcement Intelligence Gap](#)

ASC MacDonald and the NSIA noted that they received some, but not all, of the intelligence reports collected by the RCMP. They did not receive direct reports from law enforcement partners such as the OPP, OPS and Windsor Police Service (**WPS**). This, in their view, constituted another significant intelligence-sharing gap. ASC MacDonald recalled a significant delay in receiving updates from RCMP, given the RCMP's policy obligation to consult with each relevant agency prior to sharing investigative and operational information. The NSIA clarified that neither she nor her staff received situation reports, project reports or other forms of information from the RCMP or directly from other police agencies. When asked whether they had heard of Project Hendon, the answer was no. Neither the NSIA nor ASC MacDonald had advance knowledge of the RCMP investigation in Coutts, Alberta. They learned of the arrests through the media coverage on February 14.



NSIA Thomas reflected that the sharing among all three levels of government of information and intelligence in relation to the Convoy could have been better. For instance, the joint operation center between OPP, OPS and the Sûreté du Québec (**SQ**) should have been created earlier. ASC MacDonald added that the implicated law enforcement agencies (OPS, SQ, OPP, WPS and RCMP) maintained distinct intelligence silos. He noted, for instance, that the NSIA was not aware of the activities or mandate of INTERSECT and did not receive any intelligence from INTERSECT about the arrival of the convoy in Ottawa. [INTERSECT is a multi-jurisdictional police program within the National Capital Region involved in the early police response to the protests. It is co-chaired by the OPS, the RCMP and the Service de Police de la Ville de Gatineau].

Communications with Domestic and International Counterparts

Communications with the City of Ottawa and Ottawa Police

NSIA Thomas had phone conversations with DM Stewart and City of Ottawa officials during the protests. [These phone calls took place on February 5, 6, 7, and 8.] ASC MacDonald received ongoing updates from Public Safety and Emergency Preparedness officials who attended the tripartite meetings between the City of Ottawa, the OPP, and Ministers Blair and Mendicino. [The tripartite meetings were meant to coordinate the police response in Ottawa across all levels of government. Officials from the province of Ontario were invited but did not attend.]

The RCMP and DM Stewart provided general updates to NSIA Thomas and ASC MacDonald about the operational difficulties faced by the OPS and OPP. They did not discuss active police investigations. NSIA Thomas and ASC MacDonald noted, for instance, that they learned of the arrests in Coutts, Alberta and former OPS Chief Sloly's resignation through the press.

Calls with US President Biden

NSIA Thomas knew of the virtual meeting between the Prime Minister and President Biden on February 10, 2022. She did not attend the entirety of the call because of a technical glitch but debriefed with the Prime Minister immediately afterwards. The Prime Minister recalled that the call was friendly in tone, that the President expressed concern about possible US influences on the protests, and that the discussion turned to the increasing frequency of protests around the world and the state of democracy generally. The NSIA noted that this was the tone of many conversations between the Prime Minister and other international leaders during this period.



She added that there was considerable engagement with US officials prior to the invocation of the Act. [NSIA Thomas spoke with the US Homeland Security Advisor on February 9 and 10, 2022.⁵]

Engagement Proposal

[One item listed in the IRG Tracker included in the February 12 IRG Minutes is “establish a mandate and terms for a potential lead federal negotiator.”⁶ The panel was asked to explain this item.]

NSIA Thomas explained that in discussions with the City of Ottawa and DM Stewart, they did not close any doors. She noted that the City had hired behavioural scientists with expertise in negotiation. They were exploring every possible avenue to try to end the occupation. However, there were many questions including: negotiation with whom? For what outcome? With what mandate? There was no one leader who spoke for the entire group and no way for the disparate views of protesters to coalesce.

The NSIA noted that it appeared the goal of the protesters was to have the Prime Minister step down and the Governor General take control. They were also aware of a provincial negotiation plan that was unsuccessful in Windsor because the protestors refused to cooperate. The possibility of negotiation with protesters was discussed but not pursued.

Legal Thresholds for the Invocation of the *Emergencies Act*

Threats to the Security of Canada

[Section 16 of the *Emergencies Act* defines a public order emergency as one that “arises from threats to the security of Canada and that is so serious as to be a national emergency.” It further provides that the phrase “threats to the security of Canada” has “the meaning assigned by section 2 of the *Canadian Security Intelligence Service Act (CSIS Act)*”.]

In NSIA Thomas’ view, it was the totality of the circumstances that led to what she considered to be the existence of a threat to the security of Canada, and therefore, a public order emergency. She listed the blockades and shutdown of several border

⁵ SSM.CAN.000000148_REL

⁶ SSM.NSC.CAN.00000214_REL



crossings; violence at the Surrey border crossing (Pacific Highway port of entry); the occupation of the City of Ottawa and shut down of the downtown core and inability of the City to function normally; not knowing what might be in the large trucks parked in Ottawa; not knowing the extent of the conspiracy at Coutts and the eventual release of RCMP intelligence describing the presence of weapons and criminal cells in Coutts, Alberta. New convoys were planning to join the occupation in Ottawa. They did not know how long it would go on or how much larger it could get. Once a tipping point of violence was reached, it would be too late, even with the police presence available. ASC MacDonald added that they considered the presence of persons known to CSIS at the protests, the entrenchment of commercial rigs in front of Parliament Hill, the magnitude of social media posts inciting violence, and the open display of hate symbols supporting this conclusion.

The panel pointed to the additional element of the unknown, such as the risk of the use of violence by protestors and counter-protestors in Ottawa, the possibility that there existed a concerted plan amongst protestors in Ottawa and elsewhere, and the impossibility of knowing what was contained inside the trucks in Ottawa. They noted that every time they were briefed, something else was happening: reports of additional real and anticipated blockades at the border crossings in Surrey, Windsor, and Coutts; reports of additional blockades along highways and rail corridors in other locations; copycat protests, pop-up protests. They described it as a process of 'whack-a-mole.' There was also the need to quell any possibility of violence erupting at the fluid and evolving protest sites.

NSIA Thomas noted that there had been a marked increase in the number of online violent threats made against elected officials throughout the pandemic, and the number reached a crescendo during the protests. They noted that many of the Ministers responsible for announcing health measures related to the COVID-19 pandemic were especially targeted online.

The panel was of the view that, when taken all together, these events threatened the economic safety and security of Canada.

CSIS Recommendation on the s. 2(c) Threshold

[CSIS advised the NSIA and Cabinet that the protests did not constitute a threat to the security of Canada as defined under section 2(c) of the *CSIS Act* prior to the invocation of the EA. A full account of this position is set out in the CSIS Panel interview summary.]

NSIA Thomas was aware of the CSIS assessment that was shared with Cabinet and with Deputy Ministers at DMOC. She explained that in her view, CSIS' legal mandate obliges it to assess threats to national security through a very narrow lens, and in particular,



requires the existence of the risk of a known actor carrying out activities in support of the threat of violence against persons or property. For them, the definition is met only when an individual they are monitoring is going to take action. This narrow approach is appropriate for CSIS' institutional and operational powers as Canada's primary intelligence agency. ASC MacDonald noted that CSIS is also subject to extensive accountability and review mechanisms such as the National Security and Intelligence Committee of Parliamentarians (NSICOP), the National Security and Intelligence Review Agency (NSIRA), and the Federal Court of Canada, which appropriately lead it to take a narrow approach to intelligence collection. ASC MacDonald further noted that some CSIS targets were present at the protests, but in the very narrow world of CSIS, those targets would have to move from using rhetoric to inciting or carrying out serious violence for the purpose of achieving political, religious or ideological objectives, in order for the s. 2(c) definition to be met. In contrast, the reality was broader than that. It was the same legal definition but a different context.

ASC MacDonald recalled that PCO received assessments from CSIS and the RCMP regarding the risk of invoking the *Emergencies Act*. The RCMP advised that emergency powers could further inflame protestors in Ottawa and that a crowd of that size could quickly become difficult to control. ASC Green added that one of the risks of using special legislation was that it could confirm the narratives of some of the protestors, particularly those who felt that the government was overreaching by imposing vaccine mandates.

The panel explained that security threats have evolved in the 40-year period since the enactment of the *Emergencies Act*. The panel concluded that the reference to a threat to the security of Canada as defined by section 2 of the *CSIS Act* in section 16 of the *Emergencies Act* should be reconsidered.

Sufficiency of Existing Authorities



The panel was of the view that the existing provincial and federal legal authorities were insufficient to resolve the protests. The NSIA referenced two particular weaknesses in the existing authorities: the financing of protests and the growth in participation in the protests.

NSIA Thomas said that in her view the deployment of the CAF was not a feasible option. This was because the Forces are not trained in crowd management and their deployment would have created additional risks for officer and crowd safety. She noted that this view was shared by Cabinet and PCO generally.

ASC MacDonald noted that he began tracking all measures taken under the *Emergencies Act* authorities with a view to preserving notes for the parliamentary review committee. [Section 58 of the *Emergencies Act* requires the Governor in Council to table a motion for confirmation of a declaration of emergency together with an explanation of the reasons for issuing the declaration and a report on any consultation with the provinces with respect to the declaration. Subsection 62(1) of the *Emergencies Act* requires that the exercise of powers and the performance of duties and functions pursuant to a declaration of emergency shall be reviewed by a committee of both Houses of Parliament designated or established for that purpose. The Special Joint Committee on the Declaration of Emergency (DEDC) was established by motion of the Senate and House of Commons on March 3, 2022 in accordance with this requirement.]

Involvement in the Decision to Invoke the *Emergencies Act* and Revoke the Declaration

The Decision to Invoke the Act

NSIA Thomas explained that Cabinet began to consider the use of special legislation at the February 10 IRG. On February 13, the invocation of the Act was considered by Cabinet, and the decision to invoke the Act was made the following day. [The government announced the invocation of the Act on February 14, 2022.]

NSIA Thomas noted that primary goal of the decision to invoke the Act was to provide local and provincial police forces with additional policing authorities that would allow them to manage copycat protests and blockades in their jurisdictions. There were concerns that without such authorities, additional convoys and protestors could become entrenched in locations other than Ottawa.

She also described Cabinet's desire to limit the scope of application of the *Emergencies Act* declaration as much as practically possible. At the time of invocation, there was a



general understanding around the Cabinet table that the measures were to be time limited.

The Decision to Revoke the Declaration of Public Order Emergency under the *Emergencies Act*

[The *Emergencies Act* declaration was revoked on February 23, 2022.] NSIA Thomas explained that there were no set criteria in place for the revocation of the declaration of public order emergency. Instead, the decision was reached organically as a result of daily IRG meetings and the evolution of activities on the ground. [The IRG met daily between February 16 and 23, inclusive.] The NSIA stated that she did not receive any indication from the RCMP about how long a police operation would take, or what the public reaction to it would be.

ASC MacDonald indicated the IRG Tracker was used to track accountability, enforcement data, and general trends in the use of the EA authorities. The NSIA, and PCO generally, maintained the same posture after the invocation as prior to the invocation: collecting and sharing information, scanning the environment for potential issues, and coordinating amongst federal agencies.

Once PCO and senior departmental officials reached the view that significant progress had been achieved and that the extra tools under the EA were no longer required to ensure stability, a recommendation was made to Cabinet to revoke such that the declaration of public order emergency could be revoked. The Prime Minister announced revocation the same day.

Lessons Learned

The panel agreed that social media monitoring was an important area for legislative and policy reform. They described the practical difficulties in the government's ability to identify and respond to legitimate threats discussed on social media and noted the importance of a sensitive rights-based approach to regulation in this area.